UNITED
NATIONS

E

Economic and Social
Council

Distr
GENERAL

E/CN.4/Sub.2/2000/8
28 July 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session
Item 2 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Situation of human rights in Togo

Note by the Secretary-General

1. At its fifty-first session, the Sub-Commission had before it a report issued on 5 May 1999 by Amnesty International on the situation of human rights in Togo which was based on the results of a fact-finding mission conducted in November and December 1998. This report told of the torture and extrajudicial execution of hundreds of victims in Togo in 1998 and of enforced disappearances, arrests, arbitrary detention, ill-treatment and deaths in detention caused by the poor conditions in which detainees were kept.

2. On 20 August 1999, during the fifty-first session, the Chairperson of the Sub-Commission issued a statement on the situation of human rights in Togo. In his statement he expressed the Sub-Commission's concern at allegations that several hundred people had been victims of extrajudicial executions in Togo in 1998. The Sub-Commission also took note of the controversy which had arisen as to whether or not, or the extent to which, those allegations were true.

3. The Sub-Commission welcomed with satisfaction the initiative of the Government of Togo to create an international commission of inquiry in accordance with international norms, and welcomed favourably the proposal of the Government of Togo to request the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity to set up the commission of inquiry in accordance with international norms. The Sub-Commission also noted the willingness of the Government of Togo to ask the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity to provide, as required, the assistance necessary for the proper functioning of the international commission of inquiry.

4. In addition, taking account of the observations of the Sub-Commission, the Government of Togo undertook to provide the international commission of inquiry with help and assistance so that it would be able to accomplish its task with competence and within a reasonable time, in accordance with international norms, and to take all appropriate measures to ensure that the competent authorities cooperated fully with the international commission of inquiry.

5. Lastly, the Sub-Commission requested to be informed at its next session by the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity of the results of the efforts undertaken in the framework of the Chairperson's statement.

6. In September 1999 the Secretary-General of the United Nations, the United Nations High Commissioner for Human Rights and the Secretary-General of the Organization of African Unity began consultations among themselves and with the Government of Togo regarding the composition, organization, establishment and functioning of the international commission of inquiry.

7. On 13 July 1999 judicial proceedings were brought in the Lomé High Court against Mr. Pierre Sané, the Secretary-General of Amnesty International, on account of his organization's report. On 12 March 2000 the Government of Togo indicated that since the proceedings against Mr. Sané had been suspended, it would of its own accord withdraw its complaint once the commission of inquiry began its work in Togo.

8. On 7 June 2000 the Secretary-General of the Organization of African Unity and the Secretary-General of the United Nations announced the establishment of the International Commission of Inquiry for Togo. One of the three members, Mr. Amadou Ould-Abdallah (Mauritania) resigned and a new member was appointed on 20 July 2000. The Commission of Inquiry is currently composed of Mr. Mahamat Hassan Abakar (Chad), Chairman, Mr. Paulo Sergio Pinheiro (Brazil), and Mr. Issaka Souna (Niger). The first meeting of the Commission of Inquiry is scheduled to be held from 31 July to 4 August 2000 in Geneva.

- - - - -